

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NABIL N. GHALY

For: ELECTRONIC HAND HELD LOGIC GAME

Attorney's Docket No. 151-125P/JAB

CLAIM OF SMALL ENTITY STATUS

I hereby declare that I am an independent inventor of the above-identified application or patent.

I hereby declare that the rights in and to the above-identified application or patent have not been assigned or licensed to, and that I am under no obligation to license or to assign such rights to, any organization that, together with any and all of its affiliates, had more than 500 full- and part-time employees within the last 12 months.

I acknowledge my duty in this application or patent, to notify any change in status resulting in loss of entitlement to small entity status at specified times during the pendency of the application and lifetime of any patent thereon to the Commissioner of Patents and Trademarks.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon, or any patent to which this application applies.

Date: 1/19, 1995



NABIL N. GHALY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant : NABIL N. GHALY
For : ELECTRONIC HAND HELD LOGIC GAME
Reissue application of U.S.
Patent No. 5,286,037
Issued February 15, 1994

REISSUE DECLARATION AND POWER OF ATTORNEY OF NABIL N. GHALY

I, Nabil N. Ghaly, a citizen of the United States of America, residing at 14 Longwood Drive, South Huntington, NY 11746, hereby declare that I have reviewed and understand the contents of the attached application, including the specification and claims seeking reissue of U.S. Patent No. 5,286,037 (hereinafter "the 037 Patent").

I acknowledge the duty to disclose information which is material to the patentability of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I believe I am an original, first and sole inventor of the subject matter which is claimed in the attached application and for which a reissue patent is sought on the invention entitled "ELECTRONIC HAND HELD LOGIC GAME".

I verily believe that the original patent is partly inoperative by reason of my claiming less than I had a right to claim in the patent, and in particular, by including, in one or more independent claims of the '037 Patent, through my actions

without the assistance of patent counsel, the unduly restrictive limitations that:

- (1) a housing is a required element of the invention;
- (2) means are provided to vary the difficulty of the game; and
- (3) a sensorially perceptible indication, beyond the primary light-emitting means, is provided in correspondence to the light-emitting means.

In addition, the identification of "multi-color light-emitting means" as the means for indicating the routing determination is illustrative but not limiting of the means in which such indication can take place.

I have also unduly restricted the invention to claimed embodiments where the playing field is in the form of a square, rather than any four-sided geometric shape of which a square is but one form.

I prepared and filed the application which issued into the '037 Patent on a pro se basis, without the benefit of patent counsel. At that time, I was under mistaken belief that the independent claims of an application should properly encompass and identify each of the elements which were disclosed as constituting a described embodiment of the invention, irrespective of whether such elements were a necessary part of the invention itself.

Subsequent to patent issue, my activities towards commercialization of my invention through licensing caused me to further consider the scope of my patent, and whether a potential

licensee (or a competitor of a licensee) could avoid my patent. Further research on my behalf acquainted me with the test of infringement and alerted me that the main claims of my patent included requirements which were not germane to what was actually my invention.

Consultation with patent counsel confirmed my new understanding and indicated that the filing of a reissue application could be prepared and filed to correct such deficiencies. I accordingly retained counsel to prepare and file a reissue application.

The above errors arose due to my imperfect understanding of the relationship between the scope of claims and an invention and its disclosure in the specification of an application, and how patent claims are to be interpreted. Without counsel assisting me in the preparation and filing of the application which matured into the '037 Patent, I failed to draw claims which properly embraced the full scope of what I understand to be my invention, and thus unduly limited the patent coverage to less than that to which I am entitled as an inventor.

The above-identified errors arose without any deceptive intention on my part.

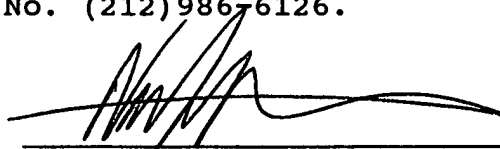
I have been further advised that the language I have employed in the claims in some circumstances, while not affecting the scope or validity of my patent, should be modified. These matters are also addressed in this reissue application.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

5 I hereby appoint Fritz L. Schweitzer, Jr., Esq., Registration No. 17,402; Michael A. Cornman, Esq., Registration No. 20,672, Gabriel P. Katona, Esq., Registration No. 20,829, Meyer A. Gross, Esq., Registration No. 22,036; and Jay A. Bondell, Esq., Registration No. 28,188 to prosecute this application and to transact all business in the Patent Office connected therewith, and I hereby request that all correspondence herein be directed to: SCHWEITZER, CORNMAN & GROSS, 230 Park Avenue, New York, NY 10169, Telephone No.: (212)986-3377, Fax No. (212)986-6126.

Dated

1/19/95



NABIL N. GHALV
Citizen of USA
Postal and Street Address
14 Longwood Drive
South Huntington, NY 11746